

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Western District of Texas

United States of America

v.

David NGUYEN

Case No.

SA 16-MJ-1096

11/14/16  
U. S. District Court  
District of Texas  
Deputy

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 10, 2016, in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:

## Code Section

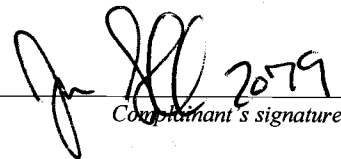
21 U.S.C. §§ 841(a)(1) and 841(b)  
(1)(B) ~~and 824 (G) 53~~

## Offense Description

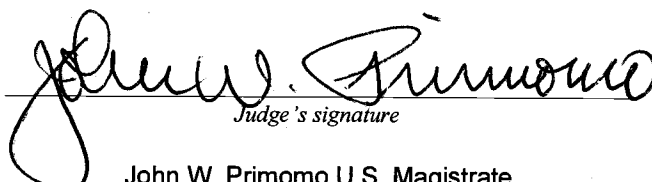
Possession with Intent to Distribute a controlled substance, which offense  
involved over 200 grams or more of Cocaine.PENALTIES: 5 to 40 years imprisonment, \$5 million fine, 4 years supervised  
release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.  
Complainant's signatureJames Schneider Detective  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/11/2016City and state: San Antonio, Texas  
Judge's signature  
John W. Primomo U.S. Magistrate  
Printed name and title

ATTACHMENT "A"

AFFIDAVIT IN SUPPORT OF COMPLAINT

JAMES SCHNEIDER, BEING DULY SWORN, DEPOSES AND SAYS:

Affiant is a Texas Peace Officer and has been employed with the San Antonio Police Department for over fifteen years. Affiant is currently assigned to the San Antonio Police Department HIDTA Narcotics Section. Affiant has participated in State and Federal search warrants and narcotics related cases, and has made many arrests for narcotics violations which have resulted in successful prosecution. Affiant has personally participated in this investigation, and is thoroughly familiar with the information contained in this affidavit, through personal investigation and/or through discussions with other law enforcement personnel.

While conducting surveillance on the [REDACTED] San Antonio, Texas, Affiant observed a white BMW 535 bearing Texas license plate [REDACTED] parked in front of a house on the south side of the block. After approximately twenty minutes, a male later identified as Kavin PATEL and a male later identified as David NGUYEN walked out of the house located on the south side of the block. It should be noted that NGUYEN was carrying a green and tan backpack over his shoulder. PATEL walked to the driver's side door and NGUYEN walked to the trunk area of the white BMW. The trunk opened to the BMW and Affiant observed NGUYEN place the back pack into the trunk of the vehicle. PATEL sat in the driver's seat and NGUYEN sat in the passenger seat. The vehicle pulled away from the curb line to travel eastbound on the [REDACTED]. It should be noted that PATEL did not signal prior to leaving a stopped position. Surveillance was maintained and PATEL approached the intersection of Spriggsdale Ave at Martin Luther King drive and approached a red light. PATEL drove past the stop line which was clearly marked and stopped with the front of the vehicle in the crosswalk.

Uniform patrol was called to assist with the stop. San Antonio Police Officers [REDACTED] Rodriguez [REDACTED] and [REDACTED] Berlanga [REDACTED] began to travel toward the surveillance.

During surveillance Detective [REDACTED] White observed PATEL operating the vehicle while using a hand held mobile devise while traveling northbound on Hwy 281. Det White observed the vehicle fail to maintain a single lane of traffic by driving from the number one lane and into the number two lane and the back into the number one lane.

Officer Berlanga conducted a traffic stop due to the traffic violations and the vehicle exited 281 at Donella Dr and pulled into a private drive. Officer Berlanga contacted PATEL who was the driver and NGUYEN who was the passenger. Officer Berlanga advised PATEL of the traffic violation and PATEL replied that he failed to maintain a single lane of traffic because he was on his GPS. Officer Berlanga reported that he smelled the odor of marijuana coming from the vehicle.

Officer [REDACTED] Rodriguez arrived at the scene of the traffic stop for cover. Officer Berlanga identified the occupants and learned that PATEL did not have a valid driver's license. Officer [REDACTED] Rodriguez also reported that he smelled the odor of marijuana coming from the vehicle. Officer Rodriguez detained PATEL and NGUYEN due to the possible narcotics law violation.

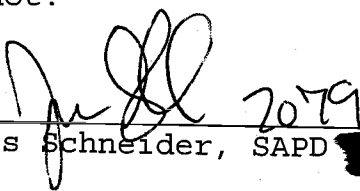
Once both occupants were removed from the vehicle, Officer Rodriguez reported that he still smelled the odor of marijuana coming from the vehicle. Officer Berlanga ran the occupants and learned that NGUYEN was active on multiple class c warrants. Officer [REDACTED] Rodriguez located an empty "High Hemp" wrapper which smelled like marijuana. Officer Rodriguez removed the wrapped and continued to smell marijuana. Officer Rodriguez opened the trunk of the vehicle and located a green and tan backpack, which was the same backpack that Affiant observed NGUYEN place in the trunk. Officer Rodriguez opened the back pack and located a plastic sandwich baggie which contained approximately 251.6 grams of cocaine. (Affiant field tested the cocaine which yielded a positive result). The back pack also contained a plastic baggie which contained approximately 4 grams of

marijuana, three packs of "high hemp" wraps (sealed) and a marijuana grinder. NGUYEN was also found to be in possession of two I phones and his wallet which contained his identification.

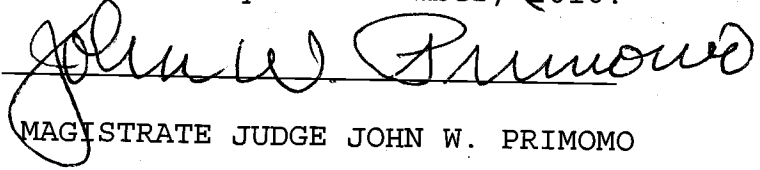
PATEL and NGUYEN were both informed of the rights which they stated that they understood. PATEL and NGUYEN both gave conflicting stories about where they were coming from.

Affiant contacted AUSA Jim Blankenship who agreed to accept the case for federal prosecution. PATEL was released and Officer Berlanga transported NGUYEN to GEO holding facility. All evidence was processed and Officer [REDACTED] Rodriguez placed the evidence into the SAPD property room for safe keeping.

Affiant further sayeth not.

  
James Schneider, SAPD [REDACTED]

Subscribed and sworn to on this the 11<sup>rd</sup> day of November, 2016.

  
UNITED STATES MAGISTRATE JUDGE JOHN W. PRIMOMO